

Sage Legal LLC

18211 Jamaica Avenue • Jamaica, NY 11423-2327 • (718) 412-2421 • emanuel@sagelegal.nyc

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Pamela K. Chen, U.S.D.J.
225 Cadman Plaza East
Courtroom 4F North
Brooklyn, NY 11201-1804

Re: IME WatchDog, Inc. v. Gelardi, *et al.*
Case No.: 1:22-cv-1032 (PKC) (JRC)

Dear Judge Chen:

This firm, together with Milman Labuda Law Group PLLC, represents Plaintiff IME WatchDog, Inc. (the “Plaintiff”) in the above-referenced case. Plaintiff writes, regrettably, to advise of Defendants Safa Abdulrahman Gelardi, Vito Gelardi, and IME Companies LLC (collectively hereinafter the “Defendants”) continued campaign of harassment, defamation, and retaliation against Plaintiff’s principal, Daniella Levi, Esq. (“Mrs. Levi”), merely for pursuing her rights in this lawsuit to prevent Defendants from continuing to steal the business she created.

Based on the below facts, Plaintiff respectfully requests a temporary restraining Order requiring the domain name <http://www.newyorklawyerdaniellalevi.com> (the “Domain Name”) to be shut down without further notice and for leave to amend the complaint to include claims against Defendants for cybersquatting pursuant to 11 U.S.C. § 1125 and any related claims thereto. It is telling that this is not the first time¹ Defendants have engaged in such scurrilous tactics, which are ostensibly being done: (i) out of rage for being repeatedly caught engaging in illegal conduct, including perjury; and (ii) to distract Plaintiff from preparing for the May 29, 2024 hearing, shortly after Plaintiff issued approximately seventy-five (75) subpoenas to various law firms to establish Defendants’ blatant violation of the Preliminary Injunction.

Mrs. Levi is the owner of the “Daniella Levi” unregistered trademark in connection with her law firm and the independent medical examination (“IME”) observer business. Mrs. Levi has been using the “Daniella Levi” mark in connection with these services in the greater Tri-State Area for more than two (2) decades. During this time, Mrs. Levi and the “Daniella Levi” mark has been made known through bus advertisements, billboards, the Daniella Levi & Associates, P.C. and IME WatchDog websites, television, radio, newspapers, social media, and other marketing endeavors. The “Daniella Levi” mark is distinctive, famous, and closely identified with Mrs. Levi, and represents substantial, valuable goodwill.

¹ See ECF Docket Entries [153](#) at ¶¶ 6-7 (Declaration of Carlos Roa), [153-1](#) (anonymous mailings), [153-2](#) (anonymous emails), and [155](#) ¶¶ 3-4, 7-8. The website curiously contains the same information that the anonymous mailings and emails did. In light of the fact that, in thirty-one (31) years, nothing like this has happened since after the Preliminary Injunction was issued, Plaintiff submits that it is beyond cavil that the culprits behind the Domain Name are none other than the Defendants.

Plaintiff recently learned that the Domain Name exists and has been registered since at least April 15, 2024, is being used by the Defendants who are trafficking in the Domain Name, which incorporates and is confusingly similar to Mrs. Levi's "Daniella Levi" mark, for commercial gain. The Defendants have no legitimate interest in the Domain Name other than to continue to harm Plaintiff's and its principal's reputation, which is the only way they were able to build their illegally-obtained competing business.

Moreover, the Defendants are using the Domain Name in bad faith in connection with their competing business which is continuing to operate in violation of the Preliminary Injunction, as will be established at the May 29, 2024 hearing.

Consequently, Defendants' use and registration of the Domain Name is a blatant attempt to trade on the goodwill of Mrs. Levi's mark and constitutes, among other things, violation of the Uniform Domain Name Dispute Policy, by which Defendants agreed to be bound when they registered the Domain Name and unlawful cybersquatting under the federal Anti-Cybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)); trademark infringement and false designation of origin under the Lanham Act (15 U.S.C. §§ 1114(1) and 1125(a)); trademark dilution under the Lanham Act (15 U.S.C. § 1125(c)); and related state law claims.

As this Court is aware, the civil remedies available for these violations include immediate and permanent injunctive relief, cancellation and/or transfer of the Domain Name, recovery of Defendants' profits, and treble damages suffered by Plaintiff, as well as an award of attorney's fees.

Plaintiff therefore respectfully requests a temporary restraining Order, pending a forthcoming fully briefed Order to show cause for preliminary relief, as follows, enjoining Defendants from:

1. using the Domain Name and any other domain name that incorporates the "Daniella Levi" mark or any variation of the "Daniella Levi" mark;
2. arranging for the transfer of the Domain Name and any other domain name that incorporates the "Daniella Levi" mark or any variation of the "Daniella Levi" mark to Mrs. Levi; and
3. using the "Daniella Levi" mark, and any other terms or phrases that are confusingly similar to the "Daniella Levi" mark in any domain name, or otherwise in connection with any business activities.

Plaintiff thanks this Court for its continued time and attention to this case.

Dated: Lake Success, New York
April 19, 2024

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Jamie S. Felsen, Esq.

Jamie S. Felsen, Esq.
3000 Marcus Avenue, Suite 3W8
Lake Success, NY 11042-1073
(516) 328-8899 (office)
(516) 303-1391 (direct dial)
(516) 328-0082 (facsimile)
jamiefelsen@mllaborlaw.com

Dated: Jamaica, New York
April 19, 2024

SAGE LEGAL LLC

/s/ Emanuel Kataev, Esq.

Emanuel Kataev, Esq.
18211 Jamaica Avenue
Jamaica, NY 11423-2327
(718) 412-2421 (office)
(917) 807-7819 (cellular)
(718) 489-4155 (facsimile)
emanuel@sagelegal.nyc

*Attorneys for Plaintiff
IME WatchDog, Inc.*

VIA ECF
All counsel of record